Attorney's Docket No. 016800-445 Application No. 09/881,686 Page 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Sandrine SEGURA et al.

Application No.: 09/881,686

Filed: June 18, 2001

For: OW EMULSIONS COMPRISING

MICRONIZED BIOLOGICALLY **ACTIVE AGENTS**

Group Art Unit: 1617

Examiner: Lauren Q. Wells

Confirmation No.: 9187

AMENDMENT AND REPLY

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In complete response to the Official Action mailed September 29, 2003 (Paper No. 20), Applicants request amendment of the instant application as follows.





Facsimile Cover

Burns, Doane, Swecker & Mathis, L.L.P. Suite 500 1737 King Street Alexandria, Virginia 22314-2727 Telephone: +1.703.836.6620

Telephone: +1.703.836.6620 Group 3 Fax +1.703.836.2021 Group 4 Fax +1.703.836.0028 www.burnsdoane.com

The information contained in this facsimile message is or may be attorney-client privileged and contains confidential information intended only for the use of the recipient(s) named below and others expressly authorized to receive it. If you are not the intended recipient, you are telephone and to return this message to us by mail without copying it. Any questions regarding compatibility should be directed to our Office Services Department at +1.703.836.6620.

Date: June 24, 2004

TO:

Examiner Lauren Wells

Fax Number:

571-273-0634

Company:

USPTO

Telephone:

571-272-0634

Your Reference:

Application No. 09/881,686

FROM:

Erin M. Dunston

Telephone:

703.838,6526

Our Reference:

016800-445

52

Sent By:

Jennifer Ackelson

Number of Pages

Including Cover:

Message

Dear Examiner Wells:

Attached are <u>COURTESY</u> copies of the Amendment and Reply filed March 29, 2004, and the Supplemental Amendment and Reply filed June 22, 2004. If you have any questions regarding these submissions, please call me at 703-838-6526.

Sincerely,

BURNS DOANE SWECKER & MATHIS, LLP

Erin M. Dunston

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being sent by facsimile transmittal to Examiner Wells at the U.S. Patent and Trademark Office, at facsimile number 571-273-0634, on June 24, 2004.

V U

fer Adkelson

	Patent Resp	onse Postcard		
Inventor: Sandrine SEGURA et al.		_ Appln. No.: _ 09/881,	Filing 686 Date:	luna 40 man
Docket No.: 016800-445 Dkt Clerk Initials	Working Atty.:	EMDunston	Date:	June 18, 2001
The following was/were receiv	ed in the U.S. Patent			March 29, 2004
X Amendment or Response	Executed Declaration/P			
☐ Prefininary Amendment ☑ Amendment/Reply Transmittal Letter	Assignment/Assignment Cover Sheet (PTQ-1595	Recordation Form	wedopy of Official	ected Filing Receipt Filing Receipt
Petition for Three Month Extension of Time	Submission of Certified	CORV OF Priority Doorsmant	Substitute Specification Check for \$	ication (clean/marked copies)
Submission of Formal Drawings w/	Ceruneo copy	(IES)	Check for \$	is enclosed
sheet(s) of drawings (Fig(s), 1.	Information Disclosure S Information Disclosure C	itation (PTC-1440)		0.00 to Deposit Account
Request for Approval of Drawing Changes wif sheet(s) of red ink drawings	☐ Information Disclosure S	tatement w/ document(e)	Charge \$	to credit cord. Form
Notice of Appeal Brief for Appellant	Request for Corrected N Assignment w/Copy of N	ofice of Reconstitution of	PTO-2038 is atta	ched. e of Mail
Request for Oral Hearing	Request for Continued E	ouce xarrination		
Reply Brief	Issue Fee Transmittal			PE
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Attorney Docket No.	Patent 016800-445
	<u>01000U-445</u>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

		i AND TRADEMARK OFFICE
	In re Patent Application of Sandrine SEGURA et al. Application No.: 09/881,686 Filing Date: June 18, 2001 Title: O/W EMULSIONS COMP	Group Art Unit: 1617 Examiner: Lauren Q. Wells Confirmation No.: 9187 RISING MICRONIZED BIOLOGICALLY ACTIVE AGENTS
- 1	An Commissioner for Patents P.O. Box 1450 Nexandria, VA 22313-1450	MENDMENT/REPLY TRANSMITTAL LETTER
S	ir:	
	nclosed is a reply for the above-id A Petition for Extension of Tim Terminal Disclain Disclaimer due under 37 C.F.F. Also enclosed is/are	ner(s) and the [] \$55.00 (2814) [] \$110.00 (1814) fee per
	Small entity status is hereby cla	imed.
	Applicant(s) requests continued \$385.00 (2801) \$770.00	examination under 37 C.F.R. § 1.114 and enclose the (1801) fee due under 37 C.F.R. § 1.17(e).
		eviously unentered after final amendments <u>not</u> be entered. sted based on the enclosed documents identified above.
	Applicant(s) previously submitted	Dased on the enclosed documents identified above.
	on	
	for which continued examination	is requested.
	Applicant(s) requests suspension which does not exceed three mor § 1.103(c). The required fee und	of action by the Office until at least this from the filing of this RCE, in accordance with 37 C.F.R. er 37 C.F.R. § 1,17(i) is enclosed.
	A Request for Entry and Consider enclosed.	ration of Submission under one
RU	RNS DOANE AMEND	TETED (3) (50)
	RNS DOANT AMEND	MENT/REPLY TRANSMITTAL LETTER Page 1 of 2 1707 000 001 1809/2809
	10:36/ST. 10:34/NO. 42600349	FROM BDSM 703 836 2021 (THU) 6. 24' 04

PACE 4/52 * RCVD AT 6/24/2004 10:36:09 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-3/25 * DNIS:2730634 * CSID:703+836+2021 * DURATION (mm-ss)* 11-52

Attorney Docket No.	016800-448
Application No.	

No additional claim fee is required.

An additional claim fee is required, and is calculated as shown below.

		A	MĖNO	ED CLAIMS		
	No. of Claims	Highes of Cla Previo Paid	ilms usly	Extra Claims	Rate	Additional Fee
Total Claims	84	MINUS	84 =	0	x \$18.00 (1202) =	
Independent Claims	7	MINUS	- -	0		\$ 0.00
if Amendment adds m	ultiple depen	dent claims	, add S		x \$86.00 (1201) =	\$ 0.00
Total Claim Amendme	nt Fee		-			
☐ Small Entity Stat	us claimed -	Bubbant 50	00 1-67	otal Claim Amendr		\$ 0.00
					nent Fee	\$ 0.00
TOTAL ADDITIONAL	CLAIM FEE	DUE FOR	THIS A	MENDMENT		\$ 0.00

Ц	A check in the amount of	is enclosed for the fee due.
	Charge to Der	Posit Account No. 02-4800

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17. 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404 Alexandria, Virginia 22313-1404 (703) 836-6620

Date: March 29, 2004

Erin M. Dunston

Registration No. 51,147

Attorney's Docket No. <u>016800-445</u> Application No. <u>09/881,686</u> Page 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Sandrine SEGURA et al.

Application No.: 09/881,686

Filed: June 18, 2001

For: OW EMULSIONS COMPRISING MICRONIZED BIOLOGICALLY ACTIVE AGENTS

Coroup Art Unit: 1617

Examiner: Lauren Q. Wells

Confirmation No.: 9187

SUPPLEMENTAL AMENDMENT AND REPLY

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Further to Applicants' Amendment and Reply filed March 29, 2004, and in further response to the Official Action mailed September 29, 2003 (Paper No. 20), Applicants request supplemental amendment of the instant application as follows.

6-22-04 6-22-04

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Docket No.: 016800-445 Working Atty.: EMD/ika Date: June 18, 2001 The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon: Amendment or Response Prefirminary Amendment Amendment Amendment Amendment Amendment Assignment/Response Request for Corrected Filing Receipt Cover Sheet (FTO-1595) Submission of Forma Cover Sheet (FTO-1595) Submission of Cover Sheet (FTO-1695) Submission of Cover Sheet	e Carley Land			Patent Res	ponse Postčard		47
Docket No.: D16800-445 Working Atty.: EMD/iks Date: June 18, 2001 The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon: Amendment or Response Executed Declaration/Power of Attorney Request for Corrected Filling Receipt widners of Official Filling Receipt widners of					Apple No. 20/2	- Filing	
The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon: Amendment or Response			016800-445	Working Atty.:		81,686 Date: _	
Preliminary Amendment Assignment Recordation Form Assignment Recordation Form Substitute Specification (Clear/marked copy of Priority Document Substitute Specification (Priority Document Substi	Ť		• •	<u> </u>			June 22, 2004
Express Mail Mailing Labet No.		ineat(s) of drawings recruest for Approva if sheet(s kotice of Appeal kotice of Appeal kotice for Appeal cequest for Oral Ha- cepty Brief esponse to Restrict erminal Disclaimer ertificate Under 37	(Fig(s), 1) al of Drawing Changes of red ink drawings aring tion Requirement or Election of Sp C.F.R. 3.73(b) Missing Parts of Application	Information Disclosure Information Disclosure Request for Corrected Massignment W/Copy of Massignment W/Copy of Massignment W/Copy of Massignment W/Copy of Massignment for Continued Element Issue Fee Transmittal Status Inquiry edies Submission of Corrected Payment of Issue Fee and Deposit Account Request for Refund	Citation (PTO-1449) Statement w document votice of Recordation of votice Examination Drawings and Authorization to charge	Charge \$ PTO-2038 is at PTO-2038 is at Filed by Certific	to Deposit Account to credit card. For atte of Mail
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PAGE 30/52 * RCVD AT 6/24/2004 10:36:09 AM [Eastern Daylight Time] * SVR: USPTO-EFXRF-3/25 * DNIS: 2730634 * CSID: 7034836+2021 * DURATION (mm-ss): 11:-52

Attorney Docket No.	Patent 016800-445
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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	n re Patent Application of		
	Sandrine Segura et al.	Group Art Unit: 1617	
A	Application No.: 09/881,686	Examiner: LAUREN Q WELLS	
	filing Date: June 18, 2001	Confirmation No. 24-	
T	Title: O/W EMULSION COMPR	SING MICRONISED BIOLOGICALLY ACTIVE AGENTS	
		TO THE AGENTS	
	A	MENDMENT/REPLY TRANSMITTAL LETTER	
C	ommissioner for Patents		
Ρ.	.O. Box 1450	,	
Al	lexandria, VA 22313-1450		
Si	r:		
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∈ r	nclosed is a reply for the above	dentified patent application.	
	A Petition for Extension of T	 Me is also enclosed	
		mer(s) and the \$\int \$55.00 (2814) \$\int \$110.00 (1814) fee per R. \\$ 1.20(d) are also enclosed.	
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	Applicant(s) requests continu	ed examination under 37 C.F.R. § 1.114 and enclose the	
	☐ \$385.00 (2801) ☐ \$770.0	0 (1801) fee due under 37 C.F.R. § 1.17(e).	
	Applicant(s) requests that any	DESVIOUS by upontaged at a second	
		posted based off the enclosed documents identification at a	
\Box	Applicant(s) previously submit	ded	
	on		
	for which continued examination	n is requested.	
	Applicant(s) requests success	inn n5 i	
	which does not exceed three n	nonths from the filing of this RCE, in accordance with 37 C.F.R.	
	§ 1.103(c). The required fee of	bdor 37 C.F.R.	٨

BURNS DOANE SWECKER & MAINS LLP

AMENDMENT/REPLY TRANSMITTAL LETTER

A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also

Page 1 of 2 (3/04)

FROM BDSM 703 836 2021

PACE 3352 * RCVD AT 6/24/2004 10:36:09 AM [Eastern Daylight Time] * SYR: USPTO-EFXRF-3755 * DNIS:2730634 * CSID:7034836+2021 * DURATION (mm-ss): 11-52

Attorney Docket No.	016800-445
Application No.	09/881 686

No additional claim fee is re-	hariuna
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<u></u>	An additional	daim	fee is	required,	and is	calculated:	s shown below.
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		A	ME	ND	ED CLAIMS		
	No. of Claims	Highe of Ci Previo	aims ousiy	 •	Extra Claims	Rate	Additional Fee
Total Claims	43	MINUS	84	=	0	x \$18.00 (1202) =	2.5.4
ndependent Claims	6	MINUS	7	=	0	× \$86.00 (1201) =	\$ 0.00
f Amendment adds m Fotal Claim Amendme		dent claim	s, ad	d \$:	290.00 (1203)	X 400.00 (1201) =	\$ 0.00
Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00		
	- 1					nent Fee	\$ 0.00
OTAL ADDITIONAL	CLAIM FEE	DUE FOR	THIS	S A!	MENDMENT		\$ 0.00

A check in the amount of	is enclosed for the fee due
Charge to D	sposit Account No. 02-4800.
	redit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404 Alexandria, Virginia 22313-1404 (703) 836-6620

Date: June 22, 2004

Ech M. Dunston

Registration No. 51,147

BURNS DOANE
BURNS DOANE SWEETER & MATHIS LIP
INTELLECTIVAL PROPERTY LAW